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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/801,996	03/08/2001	Masahiro Hinami	01-201	5891

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Gregory P. LaPointe
BACHMAN & LaPOINTE, P.C.
900 Chapel Street, Suite 1201
New Haven, CT 06510-2802

EXAMINER

SHAH, MILAP

ART UNIT PAPER NUMBER

3712

DATE MAILED: 04/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/801,996	HINAMI, MASAHIRO	
	Examiner	Art Unit	
	Milap Shah	3712	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 7 and 8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7 and 8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is in response to the amendment filed on December 12, 2005. The Examiner acknowledges that claims 1, 7, & 8 are amended, claims 5, 6, 9 & 10 are canceled, and no new claims have been added. Therefore, claims 1-4, 7 & 8 are currently pending.

Claim Objections

Claim 3 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Claim 3 appears to be claiming the same subject matter as that of claim 1. Claim 3 recites "wherein the selector sends the operation data to the second controller when the operation data stratifies the preset condition" however, claim 1 recites "a selector receiving the operation data, determining whether or not the operation data satisfies a present condition and sending the operation data to either the first controller or the second controller in accordance with the determination" which appear to be equivalent phrases in slightly different wording, with respect to the "second controller".

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 7, & 8 rejected under 35 U.S.C. 102(e) as being anticipated by Jagged Alliance 2: Instruction Manual (hereafter "JA2") (JA2 has an earliest release date of March 20, 1998).

Claims 1, 3, 7, & 8: JA2 discloses the same invention including a strategy and role-playing game having a combat or war simulation theme in which characters within the game fight in both short-range and long-range circumstances. JA2 is a game for a personal computer, thus, it is considered to include a first controller or second controller (i.e. processes within the CPU of a personal computer) to control operation of a first generator or second generator (i.e. processes within a GPU of a personal computer), respectively, in order to generate game animations corresponding to the status of the game, such as in a normal state (no combat) and a combat state. Thus, it can be seen that a first controller controls a first generator that is responsible for generating display images or animation corresponding to the normal state, and the second controller controls a second generator that is responsible for generating display images or animation corresponding to the combat state. The normal state is interpreted as the state in which no combat is taking place and the overall animation of the battlefield or "plurality of areas" is shown with both players combat elements (page 38). The combat state is considered the state in which one of the player's elements fights against one of the opponent's elements (page 4 or 5). The "selector" is considered an inherent process within the central processing unit of a personal computer since it must receive and process all game data and perform steps to determine if the current state of the game needs to be changed from a normal state to a combat state or vice versa (via checking a preset condition). *See pages 27-32, 38-41.*

Referring to specific short-range and/or long-range circumstances within JA2, it can be seen that in JA2, if an opponent is close to (in an adjacent area) a player's combat element

may engage in hand-to-hand combat (page 29), such as this hand-to-hand combat is considered short-range circumstances. The opposite occurs if the opponent is not within a close range, such that long-range circumstances or firing weapons are engaged to attack an opponent (pages 27-28). The “plurality of areas” and being in an “adjacent” area is considered in any game which is played on a battlefield or map of any kind, since any conceivable size “area” can be considered part of the grid of areas, such as each pixel on a computer screen or even an entire country on a world map. Thus, short-range and long-range circumstances with respect to a plurality of areas is are not considered patentability distinct as these features are considered present in most war/attack/battle/combat themed games, such that if an opponent is not within a certain range (i.e. in an adjacent area), short-range circumstances is simply not possible, thus the images will not be generated nor displayed. For example, when an opponent is two “areas” of a plurality of areas away (i.e. not in an adjacent area) from a player’s combat element, a “knife” attack would have no effect. JA2 is considered to generate the same “displayed state images” as those in Applicant’s claim, since JA2 produces the animations for each state and displays the images to the player.

The above explanation is considered to explain both a method and an apparatus for carrying out the method, such that each limitation in the method claim is disclosed by JA2. Thus, JA2 is considered to anticipate applicant’s claimed invention. Regarding claim 8, JA2 is a computer game, and therefore is recorded on a computer-readable medium.

The Examiner would also like to point out that Applicant’s current claim has no clause or functional language for not specifically stopping a player’s combat element to use

long-range circumstances to attack the opponent, even though the opponent is in an adjacent area in which short-range circumstances would suffice.

Claim 2: As discussed above, the preset condition is considered the operation of a human player to operate a game character or player element to engage or attack an opponent within the game. This is how JA2 operates, such that a human player, playing the game on a personal computer, operates their player elements to coordinate an attack on an opponent (pages 41-43).

Claim Rejections - 35 USC § 103

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over JA2, as applied to claims 1-3, 7 & 8, where applicable, in view of Morihira (U.S. Patent No. 6,093,105).

Claim 4: JA2 discloses the invention substantially as claimed except for distance detection between player elements and opponent elements. The Examiner believes that a determination of distances within JA2 is inherent and necessary to determine if a player's hand-to-hand combat, for instance, is successful, that is, if the hand-to-hand combat was within a distance or range of the opponent to be successful. However, be that as it may, Morihira explicitly teaches detecting distances between two opponent elements in a gaming situation. Morihira, as discussed in the previous action, teaches a distance detector for the purpose of generating an image, which adjusts an enlargement/reduction ratio (zooming ratio) of the window screen (column 3, lines 29-36) when the players are closer or further apart. One would be motivated to add a distance detection operation within JA2 to aid the generators in producing an image with as much detail as possible while keeping the opponents "in view". Therefore, it would have been obvious to one of ordinary skill in the

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art at the time of the invention to modify JA2 with a specific distance detection operation as taught by Morihira in order to display the optimum image, having as much detail as possible, such as a closer image if both opponents are within a shorter distance of each other or a more zoomed out or enlarged image showing less detail, when the players are further apart.

Response to Arguments

Applicant's arguments with respect to pending claims 1-4, 7, & 8 have been considered but are moot in view of the new ground(s) of rejection.

The amendment necessitated new grounds for rejection since the rejections under 35 U.S.C. 102 are overcome and are withdrawn herein. All prior 35 U.S.C. 103 rejections are also withdrawn due to the new grounds, and Applicant should consider only the rejections in this action.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

<u>Name</u>	<u>Reference</u>	<u>Applicability</u>
Jagged Alliance 2	IGN Website Printout	International Gaming Network website page on Jagged Alliance 2 provides evidence of its earliest availability date (March 20, 1998).
Pruitt et al.	U.S. Patent No. 5,354,057	Simulated combat entertainment system having a map with a plurality of area and different images displayed on a computer screen of various views from within the game environment.
King	U.S. Patent No. 5,484,157	A military chess game, in which a player in an adjacent area from an opponent may use short-term circumstances, and when in other areas may use long-term circumstances (i.e. the circumstances refers to the different ranks of game pieces).
Itai et al.	U.S. Patent No. 5,880,709	Image processing devices and methods.
Komoto	U.S. Patent No. 6,273,818	A game having various attacks that posses certain amounts of "area" within the attack.
Sata	U.S. Patent No. 6,304,267	Changing angle of view of virtual cameras based on object positional information.
Igarashi et al.	U.S. Patent No. 6,319,129	Method and video game system of generating a field map having a plurality of areas or a grid overlaying the map.
Matsuno	U.S. Patent No. 6,409,604	Discloses a character having a sword, which can only attack a player within a certain distance of the character holding the sword. The date is past Applicant's filing date, however, a Japanese patent with similar subject matter may be available.
Kojima	U.S. Patent Application Publication No. 2002/0082080	Image processing method and video game system, in which each character in the game can "see" to a certain range, such that it can be considered that once you're in view of the enemy (i.e. in his visible region), short range attack is necessary, however, from afar long-range attack is necessary.
Hinami et al.	U.S. Patent No. 6,468,157	A plurality of game fields formed hierarchically. Has one common inventor.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on

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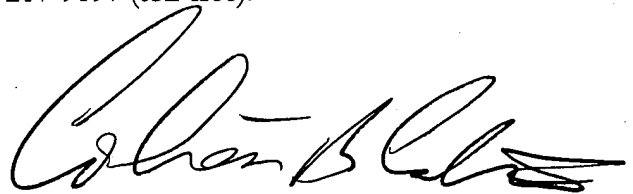
the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Milap Shah whose telephone number is (571) 272-1723. The examiner can normally be reached on M-F: 9:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's acting supervisor, Scott Jones can be reached on (571) 272-4438. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M.B.S.

A handwritten signature in black ink, appearing to read 'Corbett B. Coburn', with a stylized flourish at the end.

**CORBETT B. COBURN
PRIMARY EXAMINER**